THE HON'BLE MR JUSTICE K.C. BHANU

Writ Petition No.1033 of 2005

Between:

The Cooperative Labour Contact Society

..... PETITIONER

AND

1.The Superintendent of Police, Prakasam District, Ongole and others

.....RESPONDENTS

THE HON'BLE MR JUSTICE K.C. BHANU

Writ Petition No.1033 of 2005

ORDER:

This writ petition is filed seeking a direction to the respondents 1 and 2 to register a crime under Section 62 of Indian Forest Act against respondents 3 and 4 for illegally seizing the lorry of the petitioner with finished products. The petitioner also filed an amendment petition being W.P.M.P.No.6836 of 2005 seeking amendment of the prayer to pay the petitioner a sum of Rs.1,500/- per day from 30.12.2004 till the lorry is delivered to him and also to pay a sum of Rs.1,25,000/- towards compensation for illegally detaining the finished products.

On behalf of the respondents 3 and 4, a detailed counter affidavit has been filed by the Forest Range Officer, Ongole, Prakasam District, fourth respondent herein, stating that on 17.12.2004, at the time of verification of the produce in the lorry, the duplicate copy of transit permit issued by the President, Santhajutur Labour Contract Cooperative Society Ltd., and also xerox copy of Form-II permit was produced, but the original valid permit was not produced. The transit permit issued by the said Society does not contain any machine book number or page number and that the xerox copy of Form-II permit issued by the Government Timber Depot, Pacharla, was valid only upto 12.12.2004. Therefore, the respondents 3 and 4 conducted panchanama in the presence of
Sri T.Venkateswarlu. The petitioner-society used the first class bamboo illegally for preparation of the thattis. Therefore, the seizure of the lorry cannot be said to be contrary to any of the provisions of the Forest Act.

In the circumstances, the remedy of the petitioner lies

elsewhere. The writ petition is devoid of any merit and the same is accordingly dismissed. No costs.

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26.09.2005

VGB